

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TERON FRANKLIN,

Case No. 3:18-cv-00522-MMD-CLB

Plaintiff,

ORDER

v.

STATE OF NEVADA, *et al.*,

Defendants.

Pro se Plaintiff Teron Franklin brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 44), recommending the Court deny Franklin’s motion for a preliminary injunction (ECF No. 36 (“Motion”)).¹ Franklin had until September 14, 2021, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will deny Franklin’s Motion.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

¹Defendants responded (ECF No. 41) but Franklin did not reply.

1 Because there is no objection, the Court need not conduct de novo review, and is
2 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends denying
3 the Motion because Franklin does not actually request any injunctive relief, nor do the
4 issues he raises relate to his case. (ECF No. 44 at 2.) In his Motion, Franklin raises
5 several issues he states he wants the Court to be aware of, including current mental
6 health issues and issues arising in separate habeas corpus litigation, which do not appear
7 to be related to this case. (*Id.*) The Court agrees with Judge Baldwin—motions for
8 preliminary injunctive relief that relate to new allegations not raised in the complaint must
9 be denied. See *Padilla v. Nevada*, Case No. 2:08-cv-410-LRH (RAM), 2011 WL 2746653
10 (D. Nev. Jun. 3, 2011) (“[A] plaintiff seeking injunctive relief must show ‘[a] relationship
11 between the injury claimed in the party’s motion and the conduct asserted in the
12 complaint.’”) (quoting *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994). Having
13 reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

14 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF
15 No. 44) is accepted and adopted in full.

16 It is further ordered that Franklin’s motion for preliminary injunction (ECF No. 36)
17 is denied.

18 DATED THIS 20th Day of September 2021.

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22 MIRANDA M. DU
23 CHIEF UNITED STATES DISTRICT JUDGE
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